



Honorable Linda B. Riegle
United States Bankruptcy Judge



Entered on Docket

December 05, 2011

~~LEWIS AND ROCA LLP~~

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**ORDER SUSTAINING SEVENTEENTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DUPLICATE
PROOFS OF CLAIM**

Hearing Date: November 15, 2011

Hearing Time: 9:30 a.m.

The Court having considered the Seventeenth Omnibus Objection Of USACM Liquidating Trust To Duplicate Proofs Of Claim [DE 9394], (the "Objection") at the hearing held on November 15, 2011; appropriate notice of the Objection having been given; no responses having been filed; and good cause appearing:

IT IS ORDERED:

1. The Objection [DE 9394] is sustained; and

1 2. The Proofs of Claims listed on **Exhibit A** are disallowed to the extent they
2 are duplicative of another Proof of Claim filed by the same claimant as indicated on
3 Exhibit A attached.

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6 PREPARED AND RESPECTFULLY SUBMITTED BY:

7
8 **LEWIS AND ROCA LLP**

9 By /s/ John Hinderaker (AZ #018024)

10 Robert M. Charles, Jr.

11 John Hinderaker (*pro hac vice*)

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16 *Attorneys for USACM Liquidating Trust*

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust

Duplicate Claims

Exhibit A

Claim	Date Claim was Filed	Claimants Name and Address	Direct Lender Loan	Total Claim Amount	Amount Subject to Objection	Grounds for Objection
10725-00588	10/13/2006	Humphry 1999 Trust C/O Jack & Alice Humphry Tees 2000 Laguna St Pahrump, NV 89048-5761	Amesbury Hatters Point	186,631.00	36,631.00	Duplicate of 10725-02452
10725-02296	1/12/2007	Jayem Family Lp Jacques Massa, GP 207 Sandpiper Village Way Henderson, NV 89012	Amesbury Hatters Point	265,865.00	18,750.00	Duplicate of 10725-02298
10725-00346	9/28/2006	John & Janet Marasz Trust Dtd 12/2/04 c/o John T & Janet F Mrasz Tees P.O. Box 38 Sun Valley, CA 91353-0038	Cabernet Highlands, LLC	153,846.15	107,692.30	Duplicate/Amended by 10725-00346-2
10725-00893	10/31/2006	Joyce E Smith Trust Dated 11/3/99 c/o Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	Lerin Hills, LTD	853,678.82	51,232.60	Duplicate of 10725-00899 and 10725-00902
10725-00895	10/31/2006	Joyce E Smith Trust Dated 11/3/99 c/o Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	Cabernet Highlands, LLC	853,678.82	52,915.20	Duplicate of 10725-00899 and 10725-00902
10725-00895	10/31/2006	Leonard & Barbara Baker Revocable Trust c/o Leonard & Barbara Baker Co-Trustees 6106 Ohio Drive Apt. 1410 Plano, TX 75024	Hesperia II	33,561.44	33,561.44	Duplicate of 10725-00893
10725-00976	11/3/2006	Lococo, Randall & Allison 3001 San Luis Ct Fort Collins, CO 80525	Fiesta Oak Valley	140,000.00	50,000.00	Duplicate of 10725-01178
10725-01205	11/10/2006		Binford Medical Developers	100,000.00	50,000.00	Duplicate Amended By 10725-01205-2

USACM Trust**Duplicate Claims****Exhibit A**

Claim	Date Claim was Filed	Claimants Name and Address	Direct Lender Loan	Total Claim Amount	Amount Subject to Objection	Grounds for Objection
10725-01208	11/10/2006	Monighetti, Pete 6515 Frankie Ln Prunedale, CA 93907	Fiesta Oak Valley	1,509,963.55	100,000.00	Duplicate of 10725-01208-2
10725-00099	8/15/2006	Murphy Family Trust Dr. James & Tracy Murphy Tees c/o Christopher D Jaime Esq. P.O. Box 30000 Reno, NV 89520	Cabernet Highlands, LLC	122,753.00	99,676.08	Duplicate of 10725-00471
10725-00091	8/8/2006	Paul L & Marie Linney Trust Dated 10/25/96 c/o Paul L Linney Trustee 2079 Meritage Dr Sparks, NV 89434-2102	Comman Toltec 160, LLC	50,000.00	50,000.00	Duplicate of 10725-00174
10725-00317	10/4/2006	Pedro L & Carol A Barroso Trust Dtd 11/29/90 Pedro Luis & Carol Ann Barroso Ttee 3231 Cambridgeshire St Las Vegas, NV 89146-6223	Cabernet Highlands, LLC	168,017.76	25,000.00	Duplicate of 10725-01800